

A RESOLUTION

15-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To reappoint Ms. Shireen L. Dodson to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Shireen L. Dodson Reappointment Resolution of 2004".

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Shireen L. Dodson
1313 Emerson Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the District of Columbia Retirement Board, established by section 121(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code §1-711(a)), for a term to end January 27, 2008.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, each to the appointee, to the Chairman of the District of Columbia Retirement Board, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

15-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the reappointment of Ms. Sharon Cummings Giles to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Public Employee Relations Board Sharon Cummings Giles Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Sharon Cummings Giles
1335 Ingraham Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member, chosen from a list of 2 names proposed by an ad hoc committee appointed by the Mayor representing agency heads within the District government, of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), for a term to end December 12, 2005.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the appointment of Mr. Walter Kamiat to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Public Employee Relations Board Walter Kamiat Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Walter Kamiat
3003 Van Ness Street, N.W., #W214
Washington, D.C. 20008
(Ward 3)

as a member, chosen from those persons whose names appeared on lists proposed by labor organizations recognized by the District government, of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-605.01), for a term to end December 12, 2005.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the appointment of Ms. Ann F. Hoffman to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Public Employee Relations Board Ann F. Hoffman Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ann F. Hoffman
2810 McKinley Street, N.W.
Washington, D.C. 20015
(Ward 4)

as a public member of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), completing the unexpired term of Randy S. Rabinowitz, which will expire December 12, 2004.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the reappointment of David W. Wilmot to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Public Employee Relations Board David W. Wilmot Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. David W. Wilmot
1653 Kalmia Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a public member and Chairperson of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), for a term to end December 12, 2006.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the appointment of Mr. Jeffrey J. Stewart to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Office of Employee Appeals Jeffrey J. Stewart Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Jeffrey J. Stewart
625 I Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a member of the Office of Employee Appeals, established by section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-606.01), completing the unexpired term of Gwendolyn Hemphill, which will end April 6, 2006.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the Mayoral appointment of Warren Joseph Nash as member of the Contract Appeals Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract Appeals Board Warren Joseph Nash Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Warren Joseph Nash
1524 Gallatin Place, N.W.
Washington, D.C. 20017
(Ward 5)

as a member of the Contract Appeals Board, established by section 901 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-309.01), replacing Lorilyn E. Simkins, whose term ended July 28, 2003, for a term to end July 28, 2007.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the reappointment of Mr. Frank H. Wu to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Frank H. Wu Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Frank H. Wu
4423 35th Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2005.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-435

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the reappointment of Mr. Darryl Ross to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Darryl Ross Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Darryl Ross
2702 Knox Street, S.E.
Washington, D.C. 20020
(Ward 8)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2005.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To confirm the appointment of Mr. Joe E. Leonard, Jr. to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Joe E. Leonard, Jr. Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Joe E. Leonard, Jr.
134 R Street, N.E.
Washington, D.C. 20002
(Ward 5)

as a member of the District of Columbia Commission on Human Rights, established by Commissioner's Order 71-224, dated July 8, 1971, and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), replacing Kewanna C. Battle-Mason, whose term ended December 31, 2001, for a term to end December 31, 2004.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To approve the proposed rules amending the Regulations Governing the Business of Towing Service for Motor Vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Towing Regulation and Enforcement Authority Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 2 of the Towing Regulation and Enforcement Authority Emergency Act of 2003, effective November 13, 2003, (D.C. Act 15-225; D.C. Official Code § 47-2850), the Mayor on January 16, 2004 transmitted to the Council proposed rules to amend the Regulations Governing the Business of Towing Service for Motor Vehicles, effective August 21, 1956 (C.O. 56-1678; 16 DCMR § 401 et seq.), governing the business of furnishing towing services for motor vehicles.

(b) The Council of the District of Columbia approves the proposed rules.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by Rule 443(c) of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period XV.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs.

Sec. 5. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

15-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to modify the conditions under which payment of supplies or services received by the District government without a valid written contract may be authorized.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Procurement Practices Vendor Payment Revised Approval Authorization Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an emergency regarding the need to modify the conditions under which payment of supplies or services received by the District government without a valid written contract may be authorized.

(b) The Procurement Practices Vendor Payment Authorization Amendment Act of 2002 was enacted to require that employees, who authorize payment for services received without a valid written contract, be identified and that appropriate disciplinary action be taken against these employees.

(c) Additionally, the Procurement Practices Vendor Payment Authorization Amendment Act of 2002 was enacted to ensure that vendors who provided supplies or services to the District government receive timely payments to prevent the practice of filing "friendly lawsuits" to ascertain payment on outstanding invoices.

(d) The current law does not solve the issue of timely payments to vendors because it does not provide for certainty of payment or eliminate the need to file "friendly lawsuits".

(e) The current law requires the Mayor to transmit the request for authorization of payment to the Council, by act, to be "reviewed and approved" without the requirement that the Council must act within a reasonable time period or be required to take any action. Therefore, the act could remain within the Council for an indefinite period of time.

(f) The current law requires that the request for authorization to make payment be sent to the Council in the form of an act; therefore, the Council's actions will be subject to the Congressional review process, which will delay payments to vendors who provided supplies or services to the District of Columbia government, should the Council determine that payment is warranted.

(g) Pursuant to current law, Congress will now be required to review payments to vendors over \$100,000.

(h) There are a number of vendors that have not been paid on invoices and they need and deserve to be paid.

(i) Vendors who have not been paid need to be able to determine if the requests for payment authorization will be approved or disapproved so that they can pursue other options,

should they determine to do so.

(j) The proposed amendment would also prevent vendors from filing additional "friendly lawsuits."

(k) Friendly lawsuits are an additional cost to the District government because the government is required to acknowledge the fact, as alleged, and a judgment will be entered for the vendor. This procedure would require the time and resources of all relevant District government agencies.

(l) The Procurement Practices Vendor Payment Revised Approval Authorization Congressional Review Emergency Amendment Act of 2003 will expire on February 23, 2004, and the temporary act is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Procurement Practices Vendor Payment Revised Approval Authorization Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the term of the Inspector General and to amend the conditions for removal of the Inspector General for cause to include a resolution by the Council in favor of the Mayor's decision to remove the Inspector General for cause.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the Inspector General Appointment and Term Clarification Amendment Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Mayor posted a position announcement seeking applicants for the position of Inspector General of the District of Columbia with a deadline for submitting application materials and credentials of November 14, 2003, after Charles C. Maddox, Inspector General of the District of Columbia, resigned, effective December 31, 2003.

(b) The position announcement states that the position is in the Mayor's Cabinet until May 29, 2005.

(c) The Inspector General's position is established in existing law as a "six-year Term."

(d) Ms. Angela Avant was the first Inspector General appointed to a fixed six-year term in 1996 ending on January 15, 2002. Ms. Avant's term was completed by both E. Barrett Prettyman, Jr. and Charles C. Maddox.

(e) Pursuant to *United States v. Wilson*, 351 U.S. App. D.C. 261, 290 F.3d 347 (2002), *cert. denied*, *Wilson v. United States*, 537 U.S. 1028 (2002), a person appointed to an unexpired term, completes the unexpired term so that the six-year term does not start over with the new appointment.

(f) The first fixed term expired on January 15, 2002; the next fixed term expires on January 15, 2008.

(g) Each Mayor should have the opportunity to appoint his or her own Inspector General and resetting of the term of the Inspector General precludes this option.

(h) Clarifying the conditions of employment for Inspector General candidates provides notice, prior to the hire date, that the term of the position is through January 15, 2008, and that subject to Congressional enactment, the successful candidate can only be removed for cause by the Mayor with 2/3 vote on a resolution of removal by the Council, present and voting.

(f) The Council seeks to clarify, on an emergency basis, due to Congressional review, that the Inspector General serves for a six-year term, similar to the Chief Financial Officer and that both the Council and the Mayor must agree to the removal for cause of the Inspector General in a non-control year.

ENROLLED ORIGINAL

(g) The Congressional review emergency is necessary because the emergency legislation will expire on February 23, 2004, and the temporary legislation is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Inspector General Appointment and Term Clarification Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, to provide that if the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day review period, the proposed rules shall be deemed disapproved, and to authorize criminal and civil penalties for violating the District's rules governing towing services for motor vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Towing Regulation and Enforcement Authority Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) On November 25, 2003, the Council of the District of Columbia enacted the Towing Regulation and Enforcement Authority Emergency Act of 2003 (Act 15-225), which amended Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, to provide that if the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day review period, the proposed rules shall be deemed disapproved, and to authorize criminal and civil penalties for violating the District's rules governing towing services for motor vehicles. This act expires on February 11, 2004.

(b) On December 18, 2003, the Council enacted Act 15-263, the Towing Regulation and Enforcement Authority Temporary Act of 2003. This act is still awaiting Congressional review and has a projected D.C. law date of March 3, 2004. The permanent legislation governing the business of furnishing towing services for motor vehicles, the Towing Regulation and Enforcement Authority Act of 2003, was introduced but has not yet been passed by the Council.

(c) Because the Towing Regulation and Enforcement Authority Emergency Act of 2003 expires on February 11, 2004 and the Towing Regulation and Enforcement Authority Temporary

Act of 2003 is still awaiting Congressional review, this congressional review emergency legislation is needed to prevent a lapse in the authority of the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, with such rules to be submitted to the Council for a 45-day period of review, and to authorize criminal and civil penalties for violating the District's rules governing towing services for motor vehicles..

Sec. 3. The Council of the District of Columbia has determined that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Towing Regulation and Enforcement Authority Congressional Review Emergency Act of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.